

B1 (Official Form 1)(1/08)

United States Bankruptcy Court

Northern District of Indiana

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):

Bones Theatre, LLC

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 8 years
(include married, maiden, and trade names):All Other Names used by the Joint Debtor in the last 8 years
(include married, maiden, and trade names):Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)**33-1047606**Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)

Street Address of Debtor (No. and Street, City, and State):

**655 Opportunity Way
Columbia City, IN**

ZIP Code

46725

Street Address of Joint Debtor (No. and Street, City, and State):

ZIP Code

County of Residence or of the Principal Place of Business:

Whitley

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):

ZIP Code

Mailing Address of Joint Debtor (if different from street address):

ZIP Code

Location of Principal Assets of Business Debtor
(if different from street address above):

Type of Debtor

(Form of Organization)
(Check one box)

- ☐ Individual (includes Joint Debtors)
See Exhibit D on page 2 of this form.
- ☒ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business

(Check one box)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☒ Other

Tax-Exempt Entity

(Check box, if applicable)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7
- ☐ Chapter 9
- ☒ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts

(Check one box)

- ☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☒ Debts are primarily business debts.

Filing Fee (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Check one box:

Chapter 11 Debtors

- ☒ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).
- Check if:
- ☒ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.

Check all applicable boxes:

- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

☒ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 10,001-25,000 ☐ 25,001-50,000 ☐ 50,001-100,000 ☐ OVER 100,000

Estimated Assets

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☒ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

Estimated Liabilities

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☒ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

B1 (Official Form 1)(1/08)

Voluntary Petition

Name of Debtor(s):

Bones Theatre, LLC*(This page must be completed and filed in every case)***All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location Where Filed: - None -	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: - None -	Case Number:	Date Filed:
District:	Relationship:	Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary PetitionName of Debtor(s):
Bones Theatre, LLC*(This page must be completed and filed in every case)***Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.
 [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
 [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
 Signature of Debtor

X _____
 Signature of Joint Debtor

 Telephone Number (If not represented by attorney)

 Date

Signature of Attorney

X  _____
 Signature of Attorney for Debtor(s)

Scot T. Skekloff 15849-02

Printed Name of Attorney for Debtor(s)

Skekloff, Adelsperger & Kleven, LLP

Firm Name

**927 South Harrison Street
 Fort Wayne, IN 46802**

 Address

Email: **www.sak-law.com**

260/407-7000 Fax: 260/407-7137

Telephone Number

31110

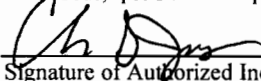
 Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X  _____
 Signature of Authorized Individual

Christopher S. Jones

Printed Name of Authorized Individual

President

Title of Authorized Individual

3-1-10

 Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
 Signature of Foreign Representative

 Printed Name of Foreign Representative

 Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

 Printed Name and title, if any, of Bankruptcy Petition Preparer

 Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

 Address

X _____
 Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

B4 (Official Form 4) (12/07)

United States Bankruptcy Court
Northern District of Indiana

In re **Bones Theatre, LLC**

Debtor(s)

Case No.

Chapter

11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Chad Whetstone Whetstone Electric, Inc. 2345 East Business 30 Columbia City, IN 46725	Chad Whetstone Whetstone Electric, Inc. 2345 East Business 30 Columbia City, IN 46725	Trailer		1,000.00 (900.00 secured)
First Source Bank P.O. Box 1602 South Bend, IN 46634	First Source Bank P.O. Box 1602 South Bend, IN 46634	Movie theatre located at 655 Opportunity Way, Columbia City, IN		1,211,196.43 (600,000.00 secured)
First Source Bank P.O. Box 1602 South Bend, IN 46634	First Source Bank P.O. Box 1602 South Bend, IN 46634	Line of credit		5,717.32
Katie Ernst 655 N. Opportunity Way Columbia City, IN 46725	Katie Ernst 655 N. Opportunity Way Columbia City, IN 46725			350.00
U.S. Small Business Administration 8500 Keystone Crossing Indianapolis, IN 46240	U.S. Small Business Administration 8500 Keystone Crossing Indianapolis, IN 46240	Movie theatre located at 655 Opportunity Way, Columbia City, IN		744,000.00 (600,000.00 secured) (1,211,196.43 senior lien)
W. J. Carey Construction Corp. 7004 W 350 S South Whitley, IN 46787	W. J. Carey Construction Corp. 7004 W 350 S South Whitley, IN 46787	Mechanics lien - work performed		3,386.93 (0.00 secured)

B4 (Official Form 4) (12/07) - Cont.

In re **Bones Theatre, LLC**

Case No. _____

Debtor(s) _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

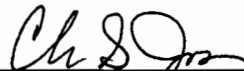
(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>

**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date 3-1-10

Signature



Christopher S. Jones
President

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

United States Bankruptcy Court
Northern District of Indiana

In re Bones Theatre, LLC

Debtor(s)

Case No.

Chapter

11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	18,120.50 retainer to be applied to hourly rates
Prior to the filing of this statement I have received	\$	1,879.50 for pre-petition services
Balance Due	\$	Hourly rates \$250-310/hr - partners \$185/hr - associates

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify):

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- [Other provisions as needed]Representation of Debtor in Possession in chapter 11 proceeding.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service: Any non-bankruptcy related representation.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: 3/1/10


Scot T. Skekloff 15849-02
Skekloff, Adelsperger & Kleven, LLP
927 South Harrison Street
Fort Wayne, IN 46802
260/407-7000 Fax: 260/407-7137
www.sak-law.com

United States Bankruptcy Court
Northern District of Indiana

In re **Bones Theatre, LLC**

Debtor

Case No. _____

Chapter **11**

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007(a)(3) for filing in this chapter 11 case.

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Bob Schroeder	Member		1.6632017%
Charles Trowbridge	Member		2.4948025%
Dave Bunde	Member		5.4054054%
David Bilger	Member		4.1580042%
Don Armstrong DRATS, Inc.	Member		3.4282744%
Dr. Stephen Wright	Member		1.6632017%
Dream Catchers, LLC c/o Bonnie Jones	Member		9.1891892%
Eric Leonard	Member		2.1434511%
Esther G. Bower	Member		1.6632017%
John DuVall	Member		1.6632017%
John Toole	Member		2.0790021%
Karen Metro	Member		2.0790021%
Keith Davison	Member		1.6632017%
Margaret Janshego	Member		1.6632017%
Mark Hopper	Member		4.9896050%
Matt and Rebekah Wineland	Members		0.8316008%
Mike Redman	Member		1.6632017%
TC Cineman Investments, LLC	Member		41.5800416%
Tim DuVall	Member		5.8212058%
Yarger Investments c/o Rick Yarger	Member		4.1580042%

0 continuation sheets attached to List of Equity Security Holders

In re **Bones Theatre, LLC**

Case No. _____

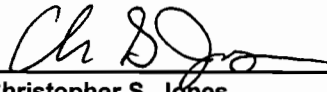
Debtor

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date 3-1-10

Signature


Christopher S. Jones
President

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C §§ 152 and 3571.

**United States Bankruptcy Court
Northern District of Indiana**

In re **Bones Theatre, LLC**

Debtor(s)

Case No.

Chapter

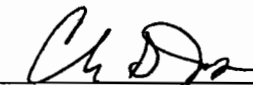
11

VERIFICATION OF CREDITOR MATRIX

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date:

3-1-10



Christopher S. Jones/President
Signer/Title

1ST SOURCE BANK
100 N. MICHIGAN ST.
P.O. BOX 1602
SOUTH BEND, IN 46634

CHAD WHETSTONE
WHETSTONE ELECTRIC, INC.
2345 EAST BUSINESS 30
COLUMBIA CITY, IN 46725

COLSON SERVICES CORP., 504 LOAN DEP.
101 BARCLAY ST., 8TH FLOOR EAST
NEW YORK, NY 10286

FIRST SOURCE BANK
P.O. BOX 1602
SOUTH BEND, IN 46634

INDIANA STATEWIDE CERTIFIED DEVELOPMENT
CORPORATION
4181 EAST 96TH STREET, SUITE 200
INDIANAPOLIS, IN 46240

KATIE ERNST
655 N. OPPORTUNITY WAY
COLUMBIA CITY, IN 46725

U.S. SMALL BUSINESS ADMINISTRATION
8500 KEYSTONE CROSSING
INDIANAPOLIS, IN 46240

W. J. CAREY CONSTRUCTION CORP.
7004 W 350 S
SOUTH WHITLEY, IN 46787

1ST SOURCE BANK
100 N. MICHIGAN ST.
P.O. BOX 1602
SOUTH BEND, IN 46634

BOB SCHROEDER

CHAD WHETSTONE
WHETSTONE ELECTRIC, INC.
2345 EAST BUSINESS 30
COLUMBIA CITY, IN 46725

CHARLES TROWBRIDGE

COLSON SERVICES CORP., 504 LOAN DEP.
101 BARCLAY ST., 8TH FLOOR EAST
NEW YORK, NY 10286

DAVE BUNDE

DAVID BILGER

DON ARMSTRONG
DRATS, INC.

DR. STEPHEN WRIGHT

DREAM CATCHERS, LLC
C/O BONNIE JONES

ERIC LEONARD

ESTHER G. BOWER

FIRST SOURCE BANK
P.O. BOX 1602
SOUTH BEND, IN 46634

INDIANA STATEWIDE CERTIFIED DEVELOPMENT
CORPORATION
4181 EAST 96TH STREET, SUITE 200
INDIANAPOLIS, IN 46240

JOHN DUVALL

JOHN TOOLE

KAREN METRO

KATIE ERNST
655 N. OPPORTUNITY WAY
COLUMBIA CITY, IN 46725

KEITH DAVISON

MARGARET JANSHEGO

MARK HOPPER

MATT AND REBEKAH WINELAND

MIKE REDMAN

TC CINEMAN INVESTMENTS, LLC

TIM DUVALL

U.S. SMALL BUSINESS ADMINISTRATION
8500 KEYSTONE CROSSING
INDIANAPOLIS, IN 46240

W. J. CAREY CONSTRUCTION CORP.
7004 W 350 S
SOUTH WHITLEY, IN 46787

YARGER INVESTMENTS
C/O RICK YARGER

United States Bankruptcy Court
Northern District of Indiana

In re **Bones Theatre, LLC**

Debtor(s)

Case No.
Chapter**11**

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Bones Theatre, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

TC Cinema Investments, LLC

☐ None [Check if applicable]

3/1/10
 Date


 Scot T. Skekloff 15849-02

Signature of Attorney or Litigant

Counsel for **Bones Theatre, LLC****Skekloff, Adelsperger & Kleven, LLP****927 South Harrison Street****Fort Wayne, IN 46802****260/407-7000 Fax: 260/407-7137****www.sak-law.com**